

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE TRICOR DIRECT PURCHASER)
ANTITRUST LITIGATION)
) C.A. No. 05-340 (SLR)
(Consolidated)
)
THIS DOCUMENT RELATES TO:)
)
ALL ACTIONS)
)
)
IN RE TRICOR INDIRECT PURCHASER)
ANTITRUST LITIGATION) C.A. No. 05-360 (SLR)
)
)
THIS DOCUMENT RELATES TO:)
)
ALL ACTIONS)
)
)

REDACTED
PUBLIC INSPECTION VERSION

DECLARATION OF DAVID S. NALVEN

David S. Nalven, being sworn, states under pains and penalties of perjury based on personal knowledge as follows:

1. I am a member of Hagens Berman Sobol Shapiro LLP and have been admitted *pro hac vice* to this Court. I am one of Interim Co-Lead Counsel for End-Payor Class Plaintiffs. In that capacity, my firm and others retained Stanley A. Kaplan, Ph. D. to serve as an expert on certain patent matters in the above-captioned action.

2. On December 15, 2006, Dr. Kaplan submitted an expert report in this case entitled "Expert Report of Stanley A. Kaplan, Ph. D." Dr. Kaplan's Expert Report is

1 attached as Exhibit A to this Declaration. In addition to setting forth his expert opinion,
2 Dr. Kaplan's Expert Report also contains his curriculum vitae.

3 3. On August 10, 2007, Dr. Kaplan submitted another expert report in this
4 case entitled "Reply Expert Report of Stanley A. Kaplan, Ph. D." Dr. Kaplan's Reply
5 Expert Report is attached as Exhibit B to this Declaration.

6 4. Dr. Kaplan is currently traveling in China and unavailable to submit a
7 declaration presenting his reports to the Court, but if called upon will be able to do so
8 upon his return to the United States.
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10 11 Dated: June 2, 2008

DSN

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David S. Nalven

EXHIBITS A-B

REDACTED